

*Elite Reporting Agency*

1 IN THE UNITED STATES DISTRICT COURT  
 2 SOUTHERN DISTRICT OF OHIO  
 3 WESTERN DIVISION

6 ERIC L. JEFFRIES,  
 7 Plaintiff,  
 8 vs. ) CASE NO.  
 9 CENTRE LIFE INSURANCE CO., ) C-1-02-351  
 10 et al., )  
 11 Defendants.

14 Deposition of: MICHAEL F. HARTINGS, Ph.D.  
 15 Pursuant to: Notice  
 16 Date and Time: Monday, October 27, 2003  
 9:55 a.m.  
 17 Place: Graydon, Head & Ritchey, LLP  
 18 1900 Fifth Third Center  
 511 Walnut Street  
 Cincinnati, Ohio 45202  
 19 Reporter: Patti Stachler, RMR, CRR  
 Notary Public - State of Ohio

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1 Q. I interrupted you, I'm sorry. Go ahead.  
 2 A. And that prepared me to assume the position  
 3 of associate director of the multiple sclerosis center  
 4 at Rush Medical College, which was the first in the  
 5 nation.

6 Q. Is that reflected here or not?  
 7 A. I don't know. Probably -- it would have been  
 8 during the time that -- of employment at  
 9 Rush-Presbyterian-St. Luke's Medical Center, which  
 10 begins on page 2, the second item from the bottom,  
 11 during those years of '71 to '78. I just didn't add  
 12 that to the list of my responsibilities.

13 Q. Okay. What else?

14 A. And then from 19 -- oh, boy -- from 1973  
 15 until 19 -- well, actually till the present -- well,  
 16 let's go back. To 1973. Usually from '73 until like  
 17 1985, I took all of my CEU in the area of  
 18 neuropsychology.

19 And the reason for that was I decided in 1978  
 20 to accept a position here with a group of physicians  
 21 specializing in neurology, which was then known as  
 22 Cincinnati Neurological Associates. And so I needed to  
 23 know all I could about neuropsychology. And at the  
 24 time that was really the only way you could get  
 25 training, because there were no -- late '70s, early

9 1 simultaneously hold different positions at different  
 2 locations. Since coming to Cincinnati, you've worked  
 3 at HealthSouth Rehab Hospital?

4 A. Yes.

5 Q. But your resume also shows that you've been  
 6 working at Riverhills for an overlapping period of  
 7 time?

8 A. Right. During my -- my practice group is  
 9 Riverhills Healthcare. They do not assign us duties.  
 10 I was asked to consult at HealthSouth in 1986 and --  
 11 '89, excuse me. And in 1993 I was asked to head up the  
 12 brain injury rehab program, which I did for three  
 13 years. And that's not on the resume.

14 Q. There's two references to HealthSouth Rehab  
 15 Hospital on your resume, one under employment, one  
 16 under staff appointments.

17 A. Right.

18 Q. You both -- you held those positions from '89  
 19 to '96?

20 A. Right.

21 Q. Are they different?

22 A. No. You can be on the staff without being in  
 23 the employ of the hospital.

24 Q. Okay.

25 A. And you can be in the employ of the hospital

11

1 '80s, maybe there were one -- Oscar Parsons had a  
 2 program out at Oklahoma, but there were -- it was just  
 3 a time when the specialty was beginning and there were  
 4 very few formal training programs. So most of us,  
 5 people my age, trained by doing their homework and  
 6 attending workshops.

7 Q. Okay. Are you a Chicago native?

8 A. No.

9 Q. Did you spend a good portion of your early  
 10 career in Chicago, then moved to Cincinnati; is that  
 11 right?

12 A. Yes.

13 Q. What prompted that move?

14 A. I'm a native of Cincinnati. My wife is a  
 15 native of Cincinnati. In 1976, when we started to  
 16 consider coming back here, we had three sons. And I  
 17 didn't want to have to travel an hour to go to a  
 18 baseball game, I didn't want to have to inherit tickets  
 19 to the Chicago symphony, and I didn't want my kids  
 20 spending all summer every summer in camps, so we came  
 21 back to a much more family-friendly choice.

22 Q. Good choice. Are you still married?

23 A. Yes.

24 Q. I have one job, and I don't have a whole  
 25 bunch of appointments, but it appears that you

9 and not be on the medical staff.

2 Q. Okay. So you were employed for seven years  
 3 at HealthSouth during the same period of time you were  
 4 employed at Riverhills?

5 A. Okay. Technically I was an independent  
 6 contractor at HealthSouth.

7 Q. Okay.

8 A. And all of the -- all of the fees that I  
 9 generated through my work at Riverhills -- at  
 10 HealthSouth were paid to my employer, Riverhills  
 11 Healthcare.

12 Q. Okay. So you've actively worked for  
 13 Riverhills for the 24 years since 1978 without any  
 14 interruption then, I guess?

15 A. Correct.

16 Q. Is that correct?

17 A. That's correct.

18 Q. And the active work for that 25-year period,  
 19 has that been as a psychologist the whole time?

20 A. Yes.

21 Q. I mean, is that the right title to you,  
 22 psychologist?

23 A. Yes.

24 Q. You never left Riverhills to go to either  
 25 HealthSouth or these positions and staff appointments

10

12

## Elite Reporting Agency

1 on page 3?  
 2 A. No, I never left Riverhills to go anywhere  
 3 else.  
 4 Q. Okay. So we're clear, for the last 25 years,  
 5 you've been working there as a psychologist at  
 6 Riverhills, right?

7 A. Right.

8 Q. Okay. Have you ever been convicted of a  
 9 crime?

10 A. No.

11 Q. How did you become involved with Boys' Hope  
 12 of Cincinnati?

13 A. That's a program that's conducted by -- how  
 14 did I become involved? I was asked --

15 Q. I am also involved, that's why I'm curious.

16 A. I was asked in, I don't know what time frame  
 17 it was, the '80s sometime, to help out with the  
 18 evaluation of candidates for the program. Earl  
 19 Kronenberger was the psychologist involved and he was  
 20 cutting back and he asked me to pick up some of it,  
 21 which I did.

22 Q. Okay. In the Cincinnati Neuropsychology Peer  
 23 Review Group, you're a founding member of that  
 24 organization?

25 A. Uh-huh.

1 duplicitous at best, unethical at worst, and I simply  
 2 decided I did not want to deal with those folks  
 3 anymore.

4 Q. Okay.

5 MR. ROBERTS: We're off the record.  
 6 (Off the record.)

7 BY MR. ROBERTS:

8 Q. Doctor, you were also kind enough to share  
 9 with me identification of testimony that you've  
 10 provided in cases in the last four years, both by way  
 11 of deposition and trial, I presume. And Exhibit 78 is  
 12 the statement -- the identification; is that right?

13 A. Yes.

14 Q. Which of these cases referenced in Exhibit 78  
 15 are cases in which you testified at trial?

16 A. I really have no idea. Okay. '99, none of  
 17 them. 2000, I don't remember. 2001, E. Johnson versus  
 18 E.W. Scripps was a trial testimony.

19 Q. Do you know which court that might be in?

20 A. I believe -- it was in Northern Kentucky. I  
 21 believe it was the Federal Court for the District of  
 22 Northern Kentucky.

23 Q. And do you know the first name of the Johnson  
 24 individual?

25 A. Esther.

13

15

1 Q. That's a group of seven or eight  
 2 psychologists in town that get together?

3 A. It's fluctuated. It started with three and  
 4 ended with three, if it's over. It probably isn't. We  
 5 still meet from time to time, but not with the  
 6 regularity that we did for the first 23 years.

7 Q. The staff psychologist position that you held  
 8 at Bethesda, Christ and Jewish, those all ran from '78  
 9 to '95. Why did you stop that?

10 A. Well, health care went south, as you know,  
 11 especially mental health care. And the hospitals  
 12 basically let go of their psychologists. They didn't  
 13 want them, especially due to the turf battles with  
 14 psychiatry. Psychiatry didn't want them in.

15 And basically I was on the staff in those  
 16 hospitals because psychiatry colleagues would ask me to  
 17 go there to see patients and evaluate them. And I  
 18 would do that. And that pretty much ended in the mid  
 19 '90s. So I didn't want to pay my money to stay on the  
 20 staff.

21 Q. Is that why your position at HealthSouth came  
 22 to a conclusion as well about the same time?

23 A. No. I ended that because, if you've been  
 24 reading about HealthSouth lately, I suspected -- and  
 25 the way they attempted to manage my service, I felt was

1 Q. And on behalf of which party did you  
 2 testify?

3 A. Scripps.

4 Q. What was the nature of the lawsuit?

5 A. Esther Johnson is a real estate developer in  
 6 Northern Kentucky who was investigated by Eye One or  
 7 Channel 9, Eye One News, whatever it is, particular  
 8 reporter whose name I can't remember. And Esther  
 9 Johnson thought that the reporting on her business was  
 10 slanderous. And she sued the Scripps news service and  
 11 this reporter in particular claiming emotional and  
 12 psychic damage.

13 I examined her on behalf of the defendant and  
 14 rendered an opinion as to her emotional and  
 15 psychological condition and the effects of any -- if  
 16 any, of the news report written about her.

17 Q. Do you recall who the lawyers were involved  
 18 in that case?

19 A. Uh-huh.

20 Q. Could you share those with me?

21 A. I mean yes. The lawyer for Scripps Howard  
 22 was Phillip Taliaferro.

23 Q. Do you recall who the other lawyer was?

24 A. I do not.

25 Q. How about the Paul Revere case in 2001?

14

16